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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,839	10/12/2001	David L. Latimer	264/028US	1705

33451 7590 12/04/2002

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EXAMINER

SANDERS, ALLYSON N

ART UNIT PAPER NUMBER

2876

DATE MAILED: 12/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,839

Applicant(s)

LATIMER ET AL

Examiner

Allyson N Sanders

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-40 is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 and 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

1. Acknowledgement is made of the Preliminary Amendment filed April 12, 2001.

Information Disclosure Statement

2. The information disclosure statement filed January 29, 2002, paper number 4 was not found in the application.

3. This application is in condition for allowance except for the following matters:

Claim Objections

4. Claims 1, 16, 20-22, and 39 are objected to because of the following informalities:

Re claim 1, line 2: Substitute "the operator" with --an operator--.

Re claim 1, line 2: Substitute "the read volume" with --a read volume--.

Re claim 1, line 2: Substitute "the operator" with --an operator--.

Re claim 1, 13: Substitute "the effectiveness" with --an effectiveness--.

Re claim 16, line 2: Substitute "the scan volume" with --a scan volume--.

Re claim 16, line 2: Substitute "the extent with --an extent--.

Re claim 20, line 6: Substitute "the weight pulse" with --a weight pulse--.

Re claim 21, line 3: Substitute "the position" with --a position--.

Re claim 22, line 3: Substitute "the duration" with --a duration--.

Re claim 39, line 2: Substitute "the scan volume" with --a scan volume--.

Appropriate correction is required.

5. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE **TWO MONTHS** FROM THE DATE OF THIS LETTER.

Allowable Subject Matter

6. Claims 1-40 are allowed.
7. The following is an examiner's statement of reasons for allowance: The best prior art of record, taken alone or in combination, fails to specifically teach or fairly suggest the method of training a data reader operator or method of scanning, which are disclosed in the claims. The prior art taken of record fails to teach each of the specific and detailed limitations which are set forth in the claims such as the operator passing an item through a read volume of a data reader, obtaining symbol data and item identification data, monitoring reading technique to obtain read technique data, sending the item identification data and the read technique data to an evaluation system, obtaining optimum read technique data, comparing the read technique data to the optimum read technique data to determine an effectiveness of the reading technique, and lastly, providing feedback indicating the effectiveness of the reading technique. Additionally, prior art fails to teach the method of scanning which includes an operator passing an item through the scan volume of a scanner while moving the

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item across a weigh scale integrated with the scanner. The symbol on the item is scanned to obtain symbol data and a dynamic weight of the item is obtained when the item is moved across the weigh scale. Once the dynamic weight is determined, the optimum dynamic weight is obtained from a lookup table containing item weight data corresponding to the symbol data. The dynamic weight of the item is compared to the optimum dynamic weight data to determine an extent of lifting performed by the operator and data regarding the extent of lifting to at least one of a training system and monitoring system is provided. Still further prior art fails to teach a feedback means in communication with a processor for providing feedback indicating the effectiveness of the scanning technique.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Spitz (5,633,488), Actis et al (5,837,983), Spitz (5,939,697), Torres et al (6,215,078), Cordery et al (6,363,484), and Brandt et al (6,454,168).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson Sanders* whose telephone number is

(703) 305-5779. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

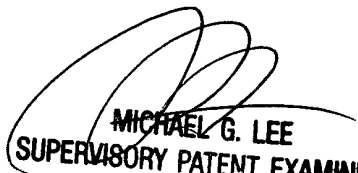
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax phone number for this Group is (703) 308-7722, (703) 308-7724, or (703) 308-7382.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [allyson.sanders@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Allyson Sanders
Patent Examiner
Art Unit 2876
November 27, 2002


MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800